

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARTHUR ARNDT,

Plaintiff,

v.

RAYMOND BOOKER and  
CHARLES SINCLAIR,

Defendants.

Case No. 13-14863

Hon. Patrick J. Duggan

Magistrate Judge R. Steven Whalen

**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
GRANTING DEFENDANT BOOKER'S MOTION FOR SUMMARY  
JUDGMENT**

On November 25, 2013, Plaintiff Arthur Arndt, a prisoner in the custody of the Michigan Department of Corrections ("MDOC") at the time, instituted this pro se prisoner's civil rights case against Defendants Raymond Booker and Charles Sinclair, alleging that Defendants violated the Eighth Amendment by acting in deliberate indifference to Plaintiff's serious medical needs.<sup>1</sup> On January 27, 2015, Defendant Booker filed a summary judgment motion pursuant to Federal Rule of Civil Procedure 56, which was referred to Magistrate Judge R. Steven Whalen in accordance with the authority granted by 28 U.S.C. § 636(b)(1)(B).

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<sup>1</sup> In an Order dated December 11, 2014, the Court granted summary judgment in Defendant Sinclair's favor, dismissing him from the present action.

On April 30, 2015, Magistrate Judge Whalen issued a Report and Recommendation (“R&R”) recommending that this Court grant Defendant Booker’s unopposed summary judgment motion. At the conclusion of his R&R, Magistrate Judge Whalen informed the parties that any objections to the R&R must be filed within fourteen days and that the failure to file specific objections constitutes a waiver of any further right of appeal. Neither party filed objections to the R&R, and the time for doing so has expired.

Having reviewed the Complaint, Defendant Booker’s Motion, and the R&R, the Court concurs with the conclusions reached by Magistrate Judge Whalen.

Accordingly,

**IT IS ORDERED** that Magistrate Judge Whalen’s R&R is **ADOPTED**, Defendant Raymond Booker’s Motion for Summary Judgment is **GRANTED**, and, having entered summary judgment in favor of the only remaining defendant, this civil action is **DISMISSED**.

Dated: June 8, 2015

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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**Kevin R. Himebaugh, AAG**